

STATE OF NEW HAMPSHIRE

HILLSBOROUGH COUNTY SUPERIOR COURT - SOUTHERN DISTRICT

THE STATE OF NEW HAMPSHIRE,)	Superior Court Case Nos.
)	216-2008-S-00858
Complainant,)	216-2008-S-00859
)	216-2008-S-00862
vs.)	216-2008-S-00864
)	
DOMINIC ALI,)	Nashua, New Hampshire
)	February 02, 2009
Defendant.)	1:37 p.m.
)	

SENTENCING

BEFORE THE HONORABLE JAMES J. BARRY
JUDGE OF THE SUPERIOR COURT

APPEARANCES:

For the Plaintiff:	Brett J. Harpster, Esq. HILLSBOROUGH COUNTY ATTORNEY'S OFFICE Spring Street Courthouse 30 Spring Street Nashua, NH 03060
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For the Defendant:	Anthony L. Introcaso, Esq. INTROCASO LAW OFFICE 120 Peak Street Manchester, NH 03104
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Audio Operator:	Electronically Recorded by Kathie Calder
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Proceedings recorded by electronic sound recording; transcript
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I N D E XWITNESS (ES)DIRECTCROSSREDIRECTRECROSSFOR THE STATE:

None

FOR THE DEFENDANT:

None

MISCELLANEOUSPAGE

Sentencing

19

1 (Proceedings commence at 1:37 p.m.)

2 THE CLERK: For the record, Your Honor, this is the
3 case of State of New Hampshire versus Dominic Ali. This is
4 scheduled for a sentencing.

5 Would counsel identify yourselves for the record,
6 please?

7 MR. HARPSTER: Good afternoon, Your Honor. Brett
8 Harpster for the State.

9 MR. INTROCASO: Good afternoon, Your Honor. Tony
10 Introcaso for Dominic Ali.

11 THE COURT: All right.

12 All right. Mr. Harpster, there's no probation
13 report, is there? No, there's not. All right.

14 MR. HARPSTER: As you're aware, Your Honor, the
15 Defendant was convicted after a trial by jury of two Class A
16 misdemeanors, false imprisonment, obstructing the reporting of
17 a crime; and two counts of second degree assault, one of which
18 was -- we'll be seeking -- it was charged as a Class A felony,
19 and I'll read the proposed sentences recommended by the State.

20 With respect to docket number 08-S-0864 for the crime
21 of obstructing report of a crime, we're asking the Defendant be
22 sentenced to the House of Corrections for 12 months, stand
23 committed, concurred with docket number 08-S-0862, with
24 pretrial confinement credit of 364 days.

25 Other conditions would be: Ordered to be of good

1 behavior; comply with all the terms of his sentence; shall have
2 no contact directly or indirectly or through others with Sarah
3 Nagy, that's N-A-G-Y.

4 We're asking for the exact same sentence on
5 08-S-0862, for the conviction of false imprisonment. Sentenced
6 to the House of Corrections, 12 months, stand committed, again,
7 concurrent with 08-S-0864. Pretrial confinement credit of 800
8 -- I'm sorry, 364 days.

9 On docket number 08-S-058 (sic), conviction for
10 second degree assault, and this is charged, at least
11 punishment, for a Class A felony, the Defendant be sentenced to
12 State Prison for not more than ten years, nor less than five
13 years, to be served as follows: Stand committed, commencing
14 upon the completion of his House of Correction sentences, to be
15 served consecutive to those House of Correction sentences.
16 Court recommends -- or we ask that you recommend drug and
17 alcohol treatment and counseling.

18 Additional conditions would be: That he participate
19 meaningfully and complete any counseling, treatment and
20 educational programs as directed by the Correctional Authority
21 probation/parole officer; and that he's ordered to be of good
22 behavior and comply with all the terms of this sentence. We
23 further request that he shall enter and complete an anger
24 management program and a domestic violence program, and he
25 shall have no contact with Sarah Nagy.

1 Lastly, on docket number 08-S-0859, also conviction
2 for second degree assault, that we ask that he be sentenced to
3 State Prison for not more than seven years, nor less than
4 three-and-one-half years, to be served as follows: Stand
5 committed, commencing, again, upon completion of the House of
6 Correction sentences, to be served consecutive to the House of
7 Correction sentences but concurrent with the other second
8 degree assault conviction on 08-S-058 (sic).

9 And those are the State's recommendations. And,
10 again, you're probably familiar with the motion to dismiss,
11 that you denied, Your Honor, pursuant with 173-B:9, since the
12 Defendant has had a prior conviction for violation of a
13 protection order within the past six years, and now has been
14 convicted of a domestic violence related crime, we're asking
15 that the conviction for 08-S-0858 be treated as a Class A
16 felony punishable up to seven-and-a-half to 15 years.

17 Thanks.

18 THE COURT: All right. Have you complied with the
19 Victim's Rights Act?

20 MR. HARPSTER: Yes, we have, Your Honor.

21 THE COURT: All right.

22 MR. HARPSTER: The last time I spoke with Ms. Nagy
23 was actually at the time of trial, and she wanted Mr. Ali to go
24 to State Prison. Unfortunately, I have had no contact with her
25 since the conclusion of the trial but for she told me that he

1 sent her a letter, but I've never seen the letter, and I have
2 not spoken with her since; notwithstanding the fact that I've
3 written to her and tried to call her on numerous occasions.

4 THE COURT: Have you reviewed the probation report?

5 MR. HARPSTER: I have, Your Honor.

6 THE COURT: Any corrections?

7 MR. HARPSTER: None of which I'm aware, Your Honor.

8 THE COURT: All right. Mr. Introcaso, have you
9 reviewed the probation report?

10 MR. INTROCASO: Yes, Your Honor. I took a brief look
11 at it this afternoon. I was over at Superior Court in
12 Manchester last week, and came to learn that the file had
13 already been transported down here.

14 Mr. Ali has been through the probation report. The
15 Public Defender Office has been through the probation report.
16 And there are some simple corrections that need to be made with
17 regard to the probation report.

18 In the police version -- the police version of the
19 probation report it contains allegations relating to the
20 charges that were dismissed at trial or which Mr. Ali was found
21 not guilty. And those allegations should not be considered by
22 the Court in sentencing.

23 The criminal record portion of the presentence
24 investigation report also indicates that there are two
25 convictions for violating restraining order. There's only one

1 conviction, Your Honor, for violating restraining order in
2 Goffstown, not two. And that was the basis for the Class A
3 felony indictment that was brought against Mr. Ali. So those
4 are the two areas in the PSI that we would put on the record
5 that need to be corrected.

6 The other interesting thing that I found with regard
7 to the PSI, Your Honor, is that, this being a second degree
8 assault case where the victim is Sarah Nagy, under victim
9 input, "Attempts to make contact with the victim, Sarah Nagy,
10 have been unsuccessful. However, it's this officer's
11 understanding that Ms. Nagy has informed Hillsborough County
12 Attorney's Office that she would like to see the Defendant
13 sentenced to prison for what he has done."

14 That's an interesting representation by, I believe it
15 was Officer Jock (sic) who wrote the PSI. Let me just make
16 certain it was. Yeah, Officer Paul Jocks writes the PSI. I
17 don't know, Judge, specifically what attempts Paul Jocks has
18 made to contact the victim in this particular case. I like
19 Paul. I think he does a good job.

20 But I've had another case with him where there were
21 multiple counts of aggravated felonious sexual assault. Again,
22 another Public Defender situation where I've come in and no
23 victim input. And I don't believe Sarah's here today with us.
24 I have not had a chance to personally speak with Sarah
25 regarding the case, Judge. But apparently the Public Defender

1 investigator had an opportunity to speak with her at length
2 regarding this particular case and this particular incident and
3 what happened here. And her input in August of last year with
4 regard to this particular case was that Mr. Ali has served
5 enough time at that point, and that he didn't need to be
6 incarcerated any further. And I have a two-page investigative
7 report that was prepared by the Public invest -- the Public
8 Defender investigator, and she took quite some time to talk
9 with Sarah Nagy about these things.

10 And so we have an individual who spoke directly with
11 her, as well as Brother Harpster who says he spoke -- but we
12 have two and opposite views, and Ms. Nagy's not here today to
13 tell us exactly what she would like to see happen. So the
14 burden is left upon you, Judge, with regard to sentencing in
15 this particular case. And if I may go forward with that?

16 THE COURT: Certainly.

17 MR. INTROCASO: Thank you, Your Honor, for your
18 patience.

19 As the Court knows, I was appointed to represent
20 Mr. Ali in early December of last year. And I immediately went
21 over and spoke with him at the jail because he had been in jail
22 for quite some time at the Valley Street Jail. As the Court
23 well knows, the Valley Street Jail is a maximum custody
24 facility, and everyone there is treated as such. Not only the
25 inmates, Judge, but the attorneys as well who go and visit.

1 It's very onerous to go in Valley -- the Valley Street Jail.

2 Mr. Ali comes to us from Sudan. He's a refugee from
3 Sudan. And he's been in the Manchester area for approximately
4 six or seven years. He's been convicted of two felony
5 offenses. And when I looked at the two felonies, both
6 indictments tract the same in terms of second degree assault.
7 One has bruising in it; both I believe use the mental state of
8 recklessly. And so the Court had litigated before it motions
9 to dismiss by the Public Defender's Office. They were denied,
10 and that's an issue that will be addressed at some other point.
11 But in any event, he's subject to be sentenced to the maximum
12 term on each one of those indictments, and he was found guilty
13 of the two misdemeanor charges.

14 Dominic is 23 years old, Judge. And his prior record
15 consists of a disorderly conduct misdemeanor and a violation of
16 a protective order, in which he served 29 days at the House of
17 Correction. As of today's date, he has spent 365 days pretrial
18 confinement credit on these charges. And I note that Brother
19 Harpster notes 364 days. So we should correct that.

20 The other correction that we need to make, Judge, is
21 that sentencing Mr. Ali to 365 days stand committed on the
22 misdemeanor charge takes away the ability of the Department of
23 Corrections, the superintendent, to award pre -- good-time
24 credit for Mr. Ali. And that comes to us from the case of
25 State versus Edson, State versus Ricky Edson, where in that

1 particular case Judge Smukler gave Mr. Edson 365 days stand
2 committed on his DWI second misdemeanor, and then he gave him
3 maximum consecutive State Prison terms.

4 So I hope that we can avoid that issue during this
5 hearing, and not award him his pretrial credit on a
6 misdemeanor. And if the Court seeks to impose a State Prison
7 sentence, that he be awarded his pretrial credit on the prison
8 sentence. So I'm trying to avoid that, Judge.

9 I want to talk about Dominic Ali, and the Court
10 imposing what potentially could be a death sentence for him.
11 For him to go back to Sudan is certain death. His family fled
12 the war in Sudan; specifically, the Darfur region, and he came
13 to the United States. And he's been convicted and found
14 guilty. If he were to receive a sentence greater than one year
15 he could be subject to deportation.

16 He is still subject to deportation, and there is an
17 immigration hold on him at the jail. And so then we come to
18 the point of, well, the State seeks to incarcerate him for five
19 to ten years stand committed. And depending on who you talk
20 to, Your Honor, the cost of incarceration for an individual as
21 an inmate, to us as taxpayers of the State of New Hampshire, is
22 anywhere from 30- to \$40,000 a year. And so I ask the Court
23 from that standpoint, does it make sense to put someone at the
24 State Prison for five years who then faces deportation to Sudan
25 and we absorb the cost of that.

1 He's 23 years old. He has one misdemeanor
2 conviction. We have what, first blush looked to me like,
3 alternative theories of indictment. And the one indictment
4 talks about bruising. We have a young woman who suffered a
5 broken collar bone and some bruising; and we have one
6 indictment that talks about recklessly as the mental state and
7 the broken collar bone. And then we have the other indictment
8 which talks about the broken collar bone and the bruising. The
9 question then becomes, well, at what point do you stop
10 indicting someone? Could you bring more indictments as a
11 result of injuries, one bruise, two bruise, three bruise, four
12 bruise, five bruise? I think the Court knows where I'm going
13 with that particular discussion.

14 And so the question is, are we able to help Dominic
15 Ali in some way? How do we assist him? How do we protect the
16 community? How do we protect Mr. Ali? What do we do for
17 deterrence? What do we do for punishment?

18 And if the Court takes a few minutes to read the
19 sentencing memorandum that was prepared by the Public Defenders
20 you see that Mr. Ali is a working individual. He has held
21 fulltime employment. They've included a letter from his
22 employer, North American Equipment Upfitters, where he worked
23 for almost two years, was a very good employee, and was told
24 that he certainly more than welcome to work there fulltime when
25 they have the work available for him.

1 The Public Defender's also included a letter from his
2 sister, which is a very nice letter and it's very well written.
3 And Dominic Ali is 23 years old, and at this point in time I'm
4 not certain that it's necessary to send him directly to the New
5 Hampshire State Prison. He served 365 days at the Valley
6 Street Jail. Certainly a suspended sentence with a three-year
7 probationary period would insure the safety of the community in
8 Manchester.

9 And I ask the Court to take a look at what he's
10 availed himself of while at the House of Correction pretrial.
11 And the certificates have been attached to the sentencing
12 memorandum, and he's participated in what's available to him at
13 the House of Correction to try and improve himself. Does he
14 have some disciplinaries while he was at the House of
15 Correction? Yes, he does, Your Honor. There's no -- there's
16 no doubt about it.

17 But I'm going to ask the Court to impose a one-year
18 -- an 11-month stand committed sentence, and give him pretrial
19 credit of 365 days. And in an effort -- in an effort to avoid
20 potential deportation to Sudan. Does that mean that he will
21 not be deported? No it doesn't. As I've explained to Dominic,
22 conviction of the behavior in and of itself could potentially
23 lead to your deportation. But I don't have the answer to that
24 question, Your Honor.

25 THE COURT: I don't think the 11 months matter if the

1 -- if ICE considers it a domestic violence of -- conviction,
2 and the second degree assault is something that I understand
3 they consider a major felony, which may make him subject to
4 deportation.

5 MR. INTROCASO: That's correct, Your Honor, an
6 aggravated felony as well.

7 So what I'm asking the -- what I'm asking the Court
8 to do is, rather than warehouse Mr. Ali for one, two, three,
9 four, five, six, however many years at the New Hampshire State
10 Prison, if in fact the ICE hold is there, the Immigration
11 Customs and Enforcement hold is there, then he needs to move on
12 to the next step and face the potential consequence of the
13 deportation -- deportation proceedings and not incur the costs
14 or expenses of having him warehoused in the State of New
15 Hampshire for a significant period of time.

16 I did speak with Mr. Ali's sister who phoned me from
17 Canada. She was not available to be here today. I did not
18 speak with his mother in Portland, Maine. I asked Dominic if
19 -- if there was any way she could be here today. He indicated
20 to me that his mom doesn't have any way of being transported or
21 getting down here from Portland, Maine. So he is here today,
22 Your Honor, by himself, and we're asking the Court to impose
23 the time-served sentence.

24 Thank you, Your Honor.

25 THE COURT: All right. Mr. Harpster?

1 MR. HARPSTER: Thank you, Your Honor.

2 With all due respect to Attorney Introcaso -- again,
3 I do have a great deal of respect for -- for Mr. Introcaso.
4 The State remains steadfast and firm with its recommendation
5 for the following reasons. First of which, if you recall the
6 testimony at trial, Your Honor, this is an extremely, extremely
7 violent incidents. Not only did the Defendant break the mother
8 of his child's collar bone by throwing her on the floor -- if
9 you remember the photograph, which I have here, he repeatedly
10 kicked her on the backside, showing these numerous bruising.

11 It was also testified at trial that the only way that
12 this woman escaped from that house that evening was by jumping
13 out a window with one of her children, going to her next-door
14 neighbor's house and calling the police. He took her cell
15 phone, and for the grace of God, she was able to escape there.
16 Lord knows, things could have been worse.

17 Now I don't know why Sarah Nagy hasn't called us
18 back. I can't answer that. But all's I know is, her last
19 representation to me, which was at or near the time of trial in
20 September of last year, was that he -- she wanted him to go to
21 State Prison. But notwithstanding that, I don't think what
22 Sarah Nagy wants or doesn't want is really the central issue
23 for Your Honor in considering what to impose a sentence for
24 Mr. Ali. The facts of this case is what warrant whatever
25 sentence you feel is appropriate. And the facts of this case,

1 I respectfully submit, warrant extensive incarceration for
2 extremely violent incidents.

3 Now I've heard a lot of things about the sentencing
4 memorandum. Yes, Mister --

5 THE COURT: I don't have a copy, though.

6 MR. HARPSTER: You don't?

7 THE COURT: No.

8 MR. HARPSTER: May I approach?

9 THE COURT: I have the letter, but.

10 (Pause)

11 MR. HARPSTER: Would you like a moment to review
12 that, Your Honor? Sure.

13 (Pause)

14 THE COURT: All right. Mr. Harpster.

15 MR. HARPSTER: Thank you, Your Honor.

16 While on its face, in reviewing the document you just
17 reviewed, it would -- one would like to congratulate or at
18 least give Mr. Ali some credit reviewing those programs while
19 -- completing them while at the House of Corrections. However,
20 since the Defendant was arrested for these charges, which was
21 February 4th of '08, he has accumulated nine disciplinary
22 infractions while at the House of Corrections.

23 On April 13th, violation of general rules; April
24 20th, extra clothing; June 2nd, lying to staff; June 2nd,
25 fighting, mutual combat. For those things he was punished --

1 given cleaning details. He was -- spent six days in the --
2 another unit.

3 On July 31st, profanity, threats to others. He was
4 reclassified to another unit.

5 On August 11th, disobeying staff, 24-hour lockup.

6 On September 25th, possession of unauthorized meal
7 item. On October 22nd, violation of general rules. Now I just
8 called over the jail today and spoke with Lieutenant Malone,
9 and he told me that on December 13th of '08 there were
10 additional infractions of profanity, threats and disobeying
11 staff.

12 So on first blush it may look like he's doing good
13 things over there, but he continues his violent behavior, not
14 going by the rules of the House of Corrections. So, quite --
15 quite frankly, even though he's been incarcerated, I don't
16 think he's getting the message while he's over there.

17 And lastly, with respect to Attorney Introcaso's
18 argument about ICE, Immigration Customs Enforcement, I think we
19 should treat Mr. Ali as we would treat a resident of New
20 Hampshire. He should get the sentence that he deserves for the
21 crimes committed, very violent crimes. Yes, do I want our
22 taxpayers spending more money? Not really. But he should
23 serve the time that he deserves to serve.

24 Let's hypothetically say that you impose the 11-month
25 sentence that's been recommended by Attorney Introcaso and he

1 is imported to Sudan. Then he's not really being punished,
2 Your Honor. What if he comes back from Sudan? How do we know?
3 If he's sent to Sudan now he will not be punished as he should
4 for these violent crimes that he committed. That's what he
5 deserves. He did deserve -- right, let's let Immigration
6 Customs Enforcement handle him as a separate issue from what he
7 deserves with respect to these convictions for these very
8 violent domestic crimes.

9 So for those reasons, Your Honor, we believe that
10 this should be dealt with now. This is not an issue for ICE.
11 Let them decide that down the road. Because he should serve
12 the maximum time for what you believe is appropriate under the
13 circumstances for these very violent offenses.

14 Thank you.

15 MR. INTROCASO: If I may, Your Honor?

16 With regard to Dominic Ali's record at the House of
17 Correction, if you would, I have a partial one here and --

18 THE COURT: You have what?

19 MR. INTROCASO: I have a partial disciplinary record
20 from the House of Correction. And what -- what's significant,
21 Judge, is that cleaning detail, cleaning detail, 24 -- guilty,
22 guilty, plead guilty, plead guilty, plead guilty. So he
23 accepts responsibility for what he has done.

24 What I found interesting in this particular case,
25 Judge, when I came into it was that there was no -- there

1 appeared to be no negotiations between the parties with regard
2 to resolving the case. I believe there was an offer, but there
3 was never any counteroffer in the case.

4 Again, I have to reiterate that the memorandum I
5 received from the Public Defender investigator talking with
6 Sarah Nagy with regard to this situation, she firmly believes
7 that the amount of incarceration Dominic had done by August of
8 last year was sufficient with regard to this particular case.

9 And in terms of treating Mr. Ali as a New Hampshire
10 native, well, Your Honor, there's no reason why we wouldn't be
11 able to do that if, in fact, he would be permitted to remain in
12 Manchester, New Hampshire. There are no guarantees that that
13 will occur. The detainer is there. The State Prison, if he is
14 sent to the State Prison, would merely warehouse him until the
15 end of his minimum term, and then release him or parole him to
16 the detainer. At which point he would be lost in the
17 immigration system, and potentially return to Sudan once those
18 proceedings are completed.

19 (Counsel and Defendant confer)

20 MR. INTROCASO: I'm asking -- I'm asking Dominic if
21 he would like to speak to the Court.

22 THE DEFENDANT: Your Honor, if my victim is here
23 today, you know, I just would like to say I'm sorry. You know,
24 I'm not the type of person that does, you know, crimes and, you
25 know, commit violent crimes. You know, I accept responsibility

1 and -- and, you know, I just -- I feel sorry, you know,
2 whatever happened to her. You know, she's -- she's also
3 contacted -- you know, she was writing letters to me and, you
4 know, I know I'm not supposed to be talking to her. But --
5 and, you know, just -- you know, she just -- she told me, you
6 know what I'm saying, she doesn't know what happened. And
7 obviously she explained to me that I have alcohol problems and
8 anger management.

9 So this is -- this is something I wanted to do. If I
10 get out, you know, I'm just going to take some anger management
11 class and some alcohol class, and just, you know, be a good
12 citizen.

13 MR. INTROCASO: Thank you, Your Honor.

14 THE COURT: Thank you.

15 Anything further from either side?

16 MR. HARPSTER: No.

17 (Pause)

18 SENTENCING

19 THE COURT: All right. Mr. Ali, would you stand,
20 please.

21 Mr. Introcaso, I recall this case, particularly
22 because of the brutality involved. And it all stemmed from the
23 Defendant's displeasure while he was out with another couple
24 visiting Ms. Nagy and watching the Super Bowl together. You
25 know, and his conduct amounted to nothing less than torture, as

1 well as the injury inflicted upon that woman. And if she
2 hadn't jumped through a window with one of the minor children
3 she may very well not be here because of her death.

4 It was particularly violent. And I've always taken a
5 position, I think you've heard me say, it isn't much of a man
6 that hits a woman. And it's ironic to read the sentencing
7 memorandum with regard to the plea for Mr. Ali to protect him
8 against deportation to Sudan, and particular Darfur. Darfur
9 has been considered one of the world's most worst human rights
10 and humanitarian catastrophes. What happened to Ms. Nagy that
11 night is known as one of the world's most worst catastrophes,
12 and I'm going to adopt the recommendation of the State.

13 Mr. Ali, on indictment on 08-862 and 864, you are
14 sentenced to the House of Correction for a period of 12 months,
15 stand committed. These sentences are concurrent with each
16 other, and on each you are order a pretrial confinement credit
17 of 364 days.

18 On indictment 08-864, other conditions of the
19 sentence are the Defendant is ordered to be of good behavior
20 and comply with all terms of this sentence. The Defendant
21 shall have no contact directly or indirectly or through others
22 with Sarah Nagy.

23 On indictment 08-858 and 859, findings of guilty are
24 entered.

25 On 858 the Defendant is sentenced to the New

1 Hampshire State Prison for not more than ten years, nor less
2 than five years. There is added to the minimum sentence a
3 disciplinary period equal to 150 days for each year of the
4 minimum term of the Defendant's sentence to be prorated for any
5 part of the year.

6 This sentence is to be served as follows: Stand
7 committed commencing upon completion of the House of Correction
8 sentence on 864 and 862. This sentence is consecutive to that
9 imposed on 08-864 and 862. The Court recommends to the
10 Department of Corrections drug and alcohol treatment and
11 counseling.

12 And the following conditions of this sentence are
13 applicable whether incarceration is suspended or imposed.
14 Failure to comply with these conditions may result in the
15 imposition of any suspended or deferred sentence. The
16 Defendant is to participate meaningfully and complete any
17 counseling, treatment and educational programs as directed by
18 the Correctional Authority or parole officer.

19 The Defendant is ordered to be of good behavior and
20 comply with all of the terms of this sentence.

21 The Defendant shall enter and complete an anger
22 management program and domestic violence program. And the
23 Defendant shall have no contact with Sarah Nagy.

24 On indictment 08-859, the Defendant is sentenced to
25 New Hampshire State Prison for not more than seven years, no

1 less than three-and-one-half years. There is added to the
2 minimum sentence a disciplinary period equal to 150 days for
3 each year of the minimum term of the Defendant's sentence, to
4 be prorated for any part of the year. This sentence is to be
5 served as stand committed, commencing upon completion of the
6 House of Correction sentence on indictment 08-864 and 862.
7 This sentence is consecutive to that imposed in 08-864 and
8 862, and concurrent with that just imposed on 08-858.

9 And the following conditions of this sentence are
10 applicable whether incarceration is suspended or imposed.
11 Failure to comply with these conditions may result in the
12 imposition of any suspended sentence.

13 The Defendant is ordered to be of good behavior and
14 comply of all of the terms of his sentence.

15 Can we get a sentence review form?

16 THE MONITOR: Yes.

17 THE CLERK: Do you want me to read it?

18 THE COURT: Go ahead.

19 THE CLERK: Dominic Ali, you are hereby notified that
20 you have the right to apply for a review of the State Prison
21 sentence imposed on you today. The application may be filed
22 within 30 days after the date of sentence, but not thereafter
23 except for good cause shown. If you file such an application,
24 your sentence will be reviewed by a board of three members who
25 will be either Superior Court Justices, Senior Justices or

1 retired Superior Court Justices. Review of the sentence may
2 result in a decrease or increase of the minimum or maximum term
3 within the limits fixed by law, or there may be no change in
4 the sentence. The form for making application, if you wish to
5 do so, is set forth below.

6 THE DEFENDANT: All right.

7 THE CLERK: The record will indicate that Mr. Ali has
8 been given an application for sentence review.

9 Mr. Ali, you are remanded to the custody of the
10 sheriff for transportation.

11 We'll take up the case of State --

12 MR. INTROCASO: Thank you, Your Honor.

13 MR. HARPSTER: Thank you, Your Honor.

14 THE CLERK: -- versus Dominic Tankersly (phonetic).

15 MR. INTROCASO: Let the record reflect that Mr. Ali
16 is filing his request for sentence review right now with the
17 Court.

18 If I may, Your Honor.

19 THE COURT: Sure.

20 MR. INTROCASO: Thank you.

21 (Proceedings concluded at 2:13 p.m.)
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23
24
25

CERTIFICATE

I, Tami S. Mayes, CET**D-547, a court approved transcriptionist/proofreader, do hereby certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter, to the best of my professional skills and abilities.

TRANSCRIPTIONIST: Tami S. Mayes, AAERT Cert. No. 547

Tami S. Mayes, CET**D-547
Proofreader

April 19, 2014